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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,064	06/15/2001	Adrian C.H. Scott	APPLP001	1705
22434	7590	01/13/2005	EXAMINER	
BEYER WEAVER & THOMAS LLP P.O. BOX 70250 OAKLAND, CA 94612-0250			PATEL, HARESH N	
			ART UNIT	PAPER NUMBER
			2154	
DATE MAILED: 01/13/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/883,064

Applicant(s)

SCOTT ET AL.

Examiner

Haresh Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-87 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-87 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-87 are presented for examination.

#### *Election/Restrictions*

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-8, 73-80, 37-44, are drawn to “generating an identifier for the content of the selected file using the fingerprinting algorithm, MD5 Message-Digest algorithm / SHA1 Secure Hash Algorithm, over the distributed network devices”, classified in class 709, subclass 201.
  - II. Claims 9-13, 45-49, 81, are drawn to “accessing a database using messages to search within the database over the network using search criteria”, classified in class 707, subclass 3.
  - III. Claims 14, 15, 50, 51, 82, are drawn to “transferring different multiple portions of a file from one device to another device and handling the file transfer process”, classified in class 715, subclass 748.
  - IV. Claims 16-18, 52-54, 83, are drawn to “identifying devices over the network base on handling of shared files having their respective identifiers different from their respective filename”, classified in class 709, subclass 223.
  - V. Claims 19-21, 55-57, 84, 87, are drawn to “generating a message with a list of file records relating to files stored in the network and utilizing the list of file records information to locate files in the network”, classified in class 709, subclass 217.

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VI. Claims 22-28, 58-64, 85, 86, are drawn to “identifying network addresses of the devices for communication over the network”, classified in class 709, subclass 227.

VII. Claims 29-36, 65-72, are drawn to “constructing a file by assembling portions of the file using file mapping information”, classified in class 707, subclass 10.

3. The inventions are distinct, each from the other because of the following reasons:

Inventions I to VII, are unrelated, and have only one-way distinctness with each other. In the instant case, invention I has separate utility such as “generating an identifier for the content of the selected file using the fingerprinting algorithm, such as MD5 Message-Digest algorithm / SHA1 Secure Hash Algorithm, over the distributed network devices”, lacking one or more of the particulars of inventions II to VII. Invention II has separate utility such as “accessing a database using messages to search within the database over the network using search criteria”, lacking one or more of the particulars of inventions of III-VII. Invention III has separate utility such as “transferring different multiple portions of a file from one device to another device and handling the file transfer process”, one or more of the particulars of inventions of IV-VII. Invention IV has separate utility such as “identifying devices over the network base on handling of shared files having their respective identifiers different from their respective filename”, one or more of the particulars of inventions of V-VII. Invention V has separate utility such as “generating a message with a list of file records relating to files stored in the network and utilizing the list of file records information to locate files in the network”, one or more of the particulars of inventions of VI-VII. Invention VI has separate utility such as “identifying network addresses of the devices for communication over the network”, one or more of the particulars of inventions of VII. Therefore,

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inventions I-VII have different functions, different modes of operation and they have different effects. See MPEP 806.05(d).

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper. These inventions are distinct for the reasons given above, and the search required for each Group is different and not co-extensive for examination purpose. For example, the searches for the four inventions would not be co-extensive because these groups would require different searches on PTO's classification class and subclass as following:

- a. The Group I search would require use of search class 709, subclass 201 (not required for the inventions II – VII).
- b. The Group II search would require use of search class 707, subclass 3 (not required for the inventions I, III – VII).
- c. The Group III search would require use of search class 715, subclass 748 (not required for the inventions I, II, IV – VII).
- d. The Group IV search would require use of search class 709, subclass 223 (not required for the inventions I – III, V – VII).
- e. The Group V search would require use of search class 709, subclass 217 (not required for the inventions I – IV, VI – VII).
- f. The Group VI search would require use of search class 709, subclass 227 (not required for the inventions I – V, VII).

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- g. The Group VII search would require use of search class 707, subclass 10 (not required for the inventions I – VI).
5. Because these inventions are distinct for the reasons given above and the extensive search required for one group is not required for the other groups, restriction for examination purposes as indicated is proper.
6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
7. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
8. A shortened statutory period for response to this action is set to expire 0 (zero) months and 30 (thirty) days from the mail date of this letter. Failure to respond within the period for response will result in ABANDONMENT of the application (see 35 U.S.C. 133, MPEP 710.02, 710.02(b)).

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*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

January 5, 2005

 JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100